



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3900/1
EVM:amn

2021 ASSEMBLY BILL 445

July 12, 2021 - Introduced by Representatives NOVAK, DITTRICH, KNODL, KUGLITSCH, MOSES, SPIROS, BRANDTJEN and MURPHY, cosponsored by Senators MARKLEIN and NASS. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 341.04 (intro.); *to renumber* 341.04 (1) (b) and 341.04 (1) (c);
2 *to renumber and amend* 341.04 (1) (a); *to amend* 341.04 (title), 341.04 (1)
3 (intro.) and 341.18 (2); and *to create* 341.04 (2m) (d) of the statutes; **relating**
4 **to:** operation of unregistered vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle subject to registration by the Department of Transportation generally may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been mailed or delivered to DOT or delivered to a motor vehicle dealer and the vehicle displays a temporary operation plate. Currently, this prohibition does not apply during a declared state of emergency. This bill eliminates the state of emergency exception and creates an exception for operation due to imminent public disaster or imminent death or great bodily harm.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 341.04 (title) of the statutes is amended to read:

ASSEMBLY BILL 445**SECTION 1**

1 **341.04** (title) ~~Penalty for operating~~ Operation of unregistered or
2 improperly registered vehicle.

3 **SECTION 2.** 341.04 (intro.) of the statutes is repealed.

4 **SECTION 3.** 341.04 (1) (intro.) of the statutes is amended to read:

5 341.04 (1) (intro.) ~~It is unlawful for any~~ No person to may operate or for an and
6 no owner to may consent to being operated on any highway of this state any motor
7 vehicle, recreational vehicle, trailer, or semitrailer, or any other vehicle for which a
8 registration fee is specifically prescribed, unless at the time of operation the vehicle
9 in question either is registered any of the following applies:

10 (am) The vehicle is registered in this state, or, except.

11 (bm) 1. Except for registration under s. 341.30 or 341.305, a complete
12 application for registration of the vehicle, including evidence of any inspection under
13 s. 110.20 when required, accompanied by the required fee has been delivered to the
14 department, submitted to a dealer under s. 341.09 (2m) for transmittal to the
15 department, or deposited in the mail properly addressed with postage prepaid and,
16 if,

17 2. If subd. 1. applies and the vehicle is an automobile or motor truck having a
18 registered weight of 8,000 pounds or less, the vehicle displays a temporary operation
19 plate issued for the vehicle unless the operator or owner of the vehicle produces proof
20 that operation of the vehicle is within 2 business days of the vehicle's sale or transfer,
21 or the vehicle in question is exempt from registration.

22 **SECTION 4.** 341.04 (1) (a) of the statutes is renumbered 341.04 (2m) (a) and
23 amended to read:

24 341.04 (2m) (a) ~~A~~ Notwithstanding sub. (1), a vehicle may be operated by a
25 private person after the date of purchase of such the vehicle by such private the

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1 person or after the date such ~~the~~ the person moved to this state if application for
2 registration, except for registration under s. 341.30 or 341.305, and certificate of title
3 has been made and the person otherwise complies with any applicable requirements
4 of this section.

5 **SECTION 5.** 341.04 (1) (b) of the statutes is renumbered 341.04 (2m) (b).

6 **SECTION 6.** 341.04 (1) (c) of the statutes is renumbered 341.04 (2m) (c).

7 **SECTION 7.** 341.04 (2m) (d) of the statutes is created to read:

8 341.04 **(2m)** (d) Subsections (1) and (2) do not apply to the operation of a vehicle
9 that is caused by pressure of natural physical forces causing the owner or operator
10 reasonably to believe that operation of the vehicle is the only means of preventing
11 imminent death or great bodily harm, as defined in s. 939.22 (14), to a person or
12 imminent public disaster.

13 **SECTION 8.** 341.18 (2) of the statutes is amended to read:

14 341.18 **(2)** If a person claims as a defense to a citation for failure to display
15 evidence of registration that the person has made application for annual registration
16 as provided in s. 341.04 (1) ~~(intro.)~~ (bm) 2. and no such application was submitted to
17 the department and the person is convicted of operating the vehicle without
18 registration, the person shall be required to pay the full annual fee upon registration
19 of the vehicle, notwithstanding the eligibility of the vehicle for registration under s.
20 341.30 or 341.305. The court or the department shall order the annual registration
21 under s. 341.04 (3) (c).

22 (END)